

JUL 21 2006

PATENT
Atty Docket No. 1113-014/MMM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Shima
 Application Number: 09/866,011
 Filing Date: May 25, 2001
 Title: Optical Monitoring Apparatus with
 Image-Based Distance Accommodation

Date of Amendment: December 17, 2004
 Examiner: Bhatnagar, Anand P.
 Art Unit: 2623

Certificate of Transmission Under 37 C.F.R. § 1.8

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being transmitted to Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450 on July 21, 2006.


 Mark M. Meininger (Registration No. 32,428)
 Attorney of Record

VIA FACSIMILE
5 PAGES

TRANSMITTAL LETTER

Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Enclosed for filing in the above-identified application is/are:

- PTOL-85 and Issue Fee
- Petition to Revive Patent Application Abandoned Unintentionally
- Credit card authorization form for \$3200 is enclosed

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Respectfully Submitted,


 Mark M. Meininger
 Registration No. 32,428

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PTO/98/54 (10-01)

Approved for use through 10/31/2002, OMB 0851-0031
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 1113-014/MMM
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First named Inventor: Shima

Application No.: 09/866,011

Art Unit: 2623

Filed: 5/25/2001

Examiner: Bhatnagar, Anand P

Title: Optical Monitoring Apparatus with Image-Based Distance Accomodations

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee –required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1500 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- has been filed previously on _____
- is enclosed herewith.

B. The issue fee of \$ 1700.

- has been paid previously on _____
- is enclosed herewith.

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1500.00 0P

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Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/64 (10-01)

Approved for use 10/31/2002 OMB 0651-0031

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3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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July 21, 2006

Date

Signature

Telephone
Number: 503) 419-0705

Mark M. Meininger

Typed or printed name

111 SW Columbia #710

Address

Portland, OR 97201

Enclosures: Fee Payment

- Reply
- Terminal Disclaimer Form
- Additional sheets containing statements establishing unintentional delay
- Other: PTOL-85 - Issue fee transmittal

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

July 21, 2006

Date

Signature

Mark M. Meininger

Type or printed name of person signing certificate

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